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TRANSMITTAL FORM

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Total Number of Pages in This Submission

11+

Application Number

10/731,173

Filing Date

December 8, 2003

First Named Inventor

Shawn W. O'Driscoll

Art Unit

3732

Examiner Name

Candice Stokes

Attorney Docket Number

ACM 340US

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

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Information Disclosure Statement
(Supplemental)

☐

Certified Copy of Priority
Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

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Power of Attorney, Revocation
Change of Correspondence Address

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Terminal Disclaimer

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Remarks

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After Allowance Communication to TC

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Appeal Communication to Board
of Appeals and Interferences

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Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

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Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

1. Form PTO-1449 (8 pages)
2. Foreign Patent Documents (3)
3. Other Documents (40)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kolisch Hartwell, P.C.

Signature

James R. Abney

Printed name

James R. Abney, Esq.

Date

February 28, 2005

Reg. No.

42,253

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: February 28, 2005

SHAWN W. O'DRISCOLL and DAVID G. JENSEN

Serial No. : 10/731,173

Examiner Candice Stokes

Filed : December 8, 2003

Group Art Unit 3732

For : BONE PLATES

Mail Stop AMENDMENT
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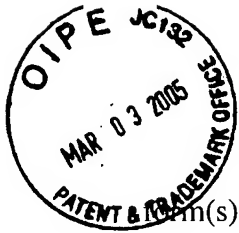
Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Applicants are submitting this Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

CONTENT OF DISCLOSURE

This Supplemental Information Disclosure Statement includes (1) eight pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed on the



am(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

French Patent Document No. 742.618 - This document appears to disclose a bone plate and targeting guide, as illustrated in the figures.

French Patent Document No. 2 254 298 - This document appears to disclose a bone plate and bone screw, as illustrated in the figures.

TIMING OF DISCLOSURE / FEE INFORMATION

This Supplemental Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Supplemental Information Disclosure Statement.

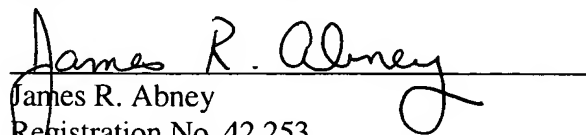
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Lisa Holstein

Respectfully submitted,

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SHEET 1 OF 8

FORM PTO-1449		DOCKET NUMBER ACM 340US		APPLICATION NUMBER 10/731,173		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		APPLICANTS Shawn W. O'Driscoll et al.				
		FILING DATE December 8, 2003		GROUP ART UNIT 3732		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	2,500,370	3/14/50	McKibbin			
	3,741,205	6/26/73	Markolf et al.			
	3,842,825	10/22/74	Wagner			
	4,484,570	11/27/84	Sutter et al.			
	4,513,744	4/30/85	Klaue			
	4,651,724	3/24/87	Berentey et al.			
	4,794,918	1/3/89	Wolter			
	4,800,874	1/31/89	David et al.			
	4,867,144	9/19/89	Karas et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	WO 97/47251	12/18/97	WIPO			XX
	742.618	3/13/33	France			XX
OTHER DOCUMENTS						
	<i>Biological Plating: A New Concept to Foster Bone Healing</i> , Synthes (USA), 1991.					
	<i>Treatment by Plates of Anteriorly Displaced Distal Radial Fractures</i> , Ducloyer, <u>Fractures of the Distal Radius</u> , pp. 148-152, 1995.					
	<i>Management of Comminuted Distal Radial Fractures</i> , Jupiter et al., <u>Fractures of the Distal Radius</u> , pp. 167-183, 1995.					
	<i>Open Reduction of Intra-Articular Fractures of the Distal Radius</i> , Amadio, <u>Fractures of the Distal Radius</u> , pp. 193-202, 1995.					
	May Anatomical bone Plates: Plates, Bone Screws and Instruments brochure, pp. 3-4 and 10-15, Waldemar Link GmbH & Co., 1995.					
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	4,964,403	10/23/90	Karas et al.			
	5,147,361	9/15/92	Ojima et al.			
	5,234,431	8/10/93	Keller			
	5,531,745	7/2/96	Ray			
	5,586,985	12/24/96	Putnam et al.			
	5,601,553	2/11/97	Trebing et al.			
	5,607,426	3/4/97	Ralph et al.			
	5,665,089	9/9/97	Dall et al.			
	5,676,667	10/14/97	Hausman			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	2 254 298	7/11/75	France			XX
OTHER DOCUMENTS						
	Forte Distal Radial Plate System brochure, Zimmer, Inc., 1995.					
	<i>Design and Biomechanics of a Plate for the Distal Radius</i> , Gesensway et al., <u>Journal of Hand Surgery</u> , Vol. 20, No. 6, pp. 1021-1027, 1995 (abstract only provided).					
	<i>Fractures of the Distal Radius: A Practical Approach to Management</i> , Fernandez et al., pp. 103-188, 1996.					
	Titanium Distal Radius Instrument and Implant Set standard contents description pages, Synthes, March 1997.					
	<i>Prospective Multicenter Trial of a Plate for Dorsal Fixation of Distal Radius Fractures</i> , Ring et al., <u>The Journal of Hand Surgery</u> , Vol. 22A, No. 5, pp. 777-784, September 1997.					
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	5,951,557	9/14/99	Luter			
	5,968,047	10/19/99	Reed			
	6,022,350	2/8/00	Ganem			
	6,077,271	6/20/00	Huebner et al.			
	6,113,603	9/5/00	Medoff			
	6,123,709	9/26/00	Jones			
	6,129,730	10/10/00	Bono et al.			
	6,183,475	2/6/01	Lester et al.			
	6,197,028	3/6/01	Ray et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	<i>Treatment of Displaced Intra-Articular Fractures of the Distal End of the Radius With Plates</i> , Fitoussi et al., <u>The Journal of Bone and Joint Surgery</u> , Vol. 79, No. 9, pp. 1303-1312, 1997 (abstract only provided).					
	The Titanium Distal Radius Plate, technique guide, Synthes (USA), 1997.					
	TriMed Wrist Fixation System brochure, TriMed, Inc., 1997.					
	SCS/D Distal Radius Plate System brochure, Avanta Orthopaedics, 1997.					
	<i>Intra-Articular Fractures of the Distal Aspect of the Radius</i> , Trumble et al., <u>Journal of Bone and Joint Surgery</u> , Vol. 80A, No. 4, pp. 582-600, April 1998.					
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	6,221,073	4/24/01	Weiss et al.			
	6,358,250	3/19/02	Orbay			
	6,364,882	4/2/02	Orbay			
	6,508,819	1/21/03	Orbay			
	6,527,775	3/4/03	Warburton			
	6,595,993	7/22/03	Donno et al.			
	6,602,255	8/5/03	Campbell et al.			
	6,706,046	3/16/04	Orbay et al.			
	6,719,759	4/13/04	Wagner et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	<i>Complications of the AO/ASIF Titanium Distal Radius Plate System (π Plate) in Internal Fixation of the Distal Radius: A Brief Report, Kambouroglou et al., <u>Journal of Hand Surgery</u>, Vol. 23A, No. 4, pp. 737-741, July 1998.</i>					
	SCS/V Distal Radius Plate Volar brochure, Avanta Orthopaedics, 1998.					
	<i>Delayed Rupture of the Flexor Pollicis Longus Tendon After Inappropriate Placement of the π Plate on the Volar Surface of the Distal Radius, Nunley et al., <u>Journal of Hand Surgery</u>, Vol. 24, No. 6, pp. 1279-1280, November 1999.</i>					
	TiMAX Pe.R.I. Small Fragment Upper Extremity description pages, DePuy ACE Medical Company, 1999.					
	The Distal Radius Plate Instrument and Implant Set technique guide, Synthes (USA), 1999.					
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	6,730,090	5/4/04	Orbay et al.				
	6,767,351	7/27/04	Orbay et al.				
	Des. 404,128	1/12/99	Huebner				
	2002/0143338	10/3/02	Orbay et al.				
	2002/0151899	10/17/02	Bailey et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
	<i>Outcome Following Nonoperative Treatment of Displaced Distal Radius Fractures in Low-Demand Patients Older Than 60 Years</i> , Young, <u>Journal of Hand Surgery</u> , Vol. 25A, No. 1, pp. 19-28, January 2000.						
	<i>Comparison of Three Different Plating Techniques for the Dorsum of the Distal Radius: A Biomechanical Study</i> , Peine et al., <u>Journal of Hand Surgery</u> , Vol. 25A, No. 1, pp. 29-33, January 2000.						
	<i>Distal Radial Metaphyseal Forces in an Extrinsic Grip Model: Implications for Postfracture Rehabilitation</i> , Putnam et al., <u>Journal of Hand Surgery</u> , Vol. 25A, No. 3, pp. 469-475, May 2000.						
	TriMed Wrist Fixation System internet description pages, TriMed, Inc., 2001.						
	Titanium Distal Radius Plates description page, Synthes (USA), 2001.						
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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OTHER DOCUMENTS						
	Locon-T Distal Radius Plating System case study and surgical method, Wright Medical Technology, Inc., 2001.					
	<i>Open Reduction and Internal Fixation of Unstable Distal Radius Fractures: Results Using the Trimed Fixation System</i> , Konrath et al., <u>Journal of Orthopaedic Trauma</u> , Vol. 16, No. 8, pp.578-585, 2002.					
	Locon-T Distal Radius Plating System brochure, Wright Medical Technology, Inc., 2002.					
	<i>Distal Radius Fracture</i> , Tornetta, <u>Journal of Orthopaedic Trauma</u> , Vol. 16, No. 8, pp. 608-611, 2002.					
	<i>Comparison of Different Distal Radius Dorsal and Volar Fracture Fixation Plates: A Biomechanical Study</i> , Osada et al., <u>Journal of Hand Surgery</u> , Vol. 28A, No. 1, pp. 94-104, January 2003.					
	<i>Tendon Function and Morphology Related to Material and Design of Plates For Distal Radius Fracture Fixation: Canine Forelimb Model</i> , Turner et al., Orthopaedic Research Society, February 2003.					
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OTHER DOCUMENTS

	<i>Fractures of the Distal Aspect of the Radius: Changes in Treatment Over the Past Two Decades, Simic, <u>Journal of Bone and Joint Surgery</u>, Vol. 85-A, No. 3, pp. 552-564, March 2003.</i>
	<i>Palmar Plate Fixation of AO Type C2 Fracture of Distal Radius Using a Locking Compression Plate – A Biomechanical Study in a Cadaveric Model, Leung et al., <u>Journal of Hand Surgery</u>, Vol. 28B, No. 3, pp. 263-266, June 2003.</i>
	<i>Functional Outcome and Complications Following Two Types of Dorsal Plating for Unstable Fractures of the Distal Part of the Radius, Rozental et al., <u>Journal of Bone and Joint Surgery</u>, Vol. 85, No. 10, pp. 1956-1960, 2003 (abstract only provided).</i>
	<i>Fixation of Unstable Fractures of the Volar Rim of the Distal Radius with a Volar Buttress Pin®, Hooker et al., 2003.</i>

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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
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	<i>Results of Palmar Plating of the Lunate Facet Combined with External Fixation for the Treatment of High-Energy Compression Fractures of the Distal Radius</i> , Ruch et al., <i>J. Orthop. Trauma</i> , Vo. 18, No. 1, pp. 28-33, January 2004.					
	Synthes Volar Distal Radius Locking Plate internet description page, Orthocopia, LLC, 2004.					
	VAL Plate description page, US Implants, undated.					
	Esser Complete Distal Radius Plate System, undated.					
	Proximal Humerus Fractures operative technique, Esser, undated.					
EXAMINER			DATE CONSIDERED			